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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION
13

14 UNITED STATES OF AMERICA,
15 Plaintiff,
16 v.
17 104,994 IN UNITED STATES
CURRENCY,
18 Defendant.

No. C 08-2331 JL

JOINT CASE MANAGEMENT
STATEMENT

Date: August 13, 2008
Time: 10:30 am.
Place: Honorable James Larson, 15th Floor

19
20
21 Pursuant to FRCP 26(f) and Local Rule 16-9, Plaintiff, United States of America and
22 claimant Todd Dunphy (hereinafter "Claimant"), respectfully submit this Joint Case Management
23 Statement.

24 1. Jurisdiction and Service

25 Plaintiff contends that this Court has jurisdiction pursuant to Title 28, United States
26 Code, Sections 1345 and 1355, Title 21, United States Code, Section 881.

27 The Parties agree that all persons known to have an interest in the defendant property
28 have been served. Claimant has filed a claim.

Aug 06 08 11:02a

AUG-06-2008 11:39 From:US ATTORNEY

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To:415

p. 3
P.3/5**2. Facts**

This is a forfeiture case. The government commenced this action with the filing of a civil forfeiture complaint on May 6, 2008. The defendant currency was seized by the Drug Enforcement Administration on November 7, 2007. In its complaint, the government alleges that the defendant currency was furnished or intended to be furnished to another person in exchange for a controlled substance, constitutes proceeds derived from such an exchange, and was used or intended to be used to facilitate a drug trafficking offense, and it is thus forfeitable under Title 21, United States Code, Section 881(a)(6). Claimant denies that the defendant currency is subject to forfeiture.

3. Legal Issues

The parties agree that the principal factual and legal issues in dispute are: (1) whether Claimant can establish that he is an innocent owner of the defendant currency; (2) whether the government can establish by a preponderance of the evidence that defendant currency is forfeitable.

4. Motions

The parties contemplate the possibility of filing pre-trial dispositive and non-dispositive motions. Because of a related criminal case that is currently pending in the District of Hawaii, United States v. Todd Dunphy, 08-0277, the parties request that this case be stayed to a date no earlier than December 8, 2008.

5. Amendment of Pleadings

At this time, the parties do not anticipate filing any amended pleadings.

6. Disclosures

This is an *in rem* forfeiture case and is exempt from initial disclosures pursuant to Federal Rule of Civil Procedure 26 (a)(1)(B)(ii).

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P. 4/5

1 **7. Discovery**

2 The parties have not engaged in any discovery at this time. Because of a related criminal
3 case that is currently pending in the District of Hawaii, United States v. Todd Dunphy, 08-0277,
4 the parties request that this case be stayed to a date no earlier than December 8, 2008.
5

6 **8. Class Action**

7 This is not a class action.
8

9 **9. Related Case**

10 The parties are aware if a related criminal case that is currently pending in the District of
11 Hawaii, United States v. Todd Dunphy, 08-0277.

12 **10. Relief/Damages**

13 The government seeks a judgment of forfeiture of the defendant property. Claimant
14 seeks return of the defendant property. This is not a damages case.
15

16 **11. Settlement and ADR**

17 The parties agree that, at this juncture, it is premature to predict the likelihood of
18 settlement, and ADR would be of more use at a later stage after resolution fo the related criminal
19 case.
20

21 **12. Consent to Magistrate Judge for All Purposes**

22 The parties consent to the Magistrate Judge in this action.

23 **13. Narrowing of Issues**

24 At this juncture, it is premature to narrow the issues which the parties anticipate will be
25 narrowed through the discovery process.
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28 //

14. Scheduling

The parties have not engaged in any discovery at this time. Because of a related criminal case that is currently pending in the District of Hawaii, United States v. Todd Dunphy, 08-0277, the parties request that this case be stayed to a date no earlier than December 8, 2008.

15. Trial

The parties have demanded a jury trial.

Dated: 6 August 2008

Respectfully submitted,

DAVID M. MICHAEL
Attorney for Claimant
TODD DUNPHY

Dated:

August 6, 2008

JOSEPH P. RUSSONIELLO
United States Attorney

DAVID B. COUNTRYMAN
Assistant United States Attorney